

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) JAMES MATTHEWS, II, and	)	
(2) MICHAELA MATTHEWS,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. CIV-19-1189-JD
	)	District Court of Oklahoma County
	)	Case No. CJ-2019-6389
(1) BLACK & VEATCH	)	
CORPORATION,	)	
(2) TAKRAF USA, INC. and/or	)	
(3) TAKRAF USA, INC. d/b/a	)	
TENOVA,	)	
(4) KELLOGG, BROWN & ROOT,	)	
LLC, and	)	
(5) KOCH FERTILIZER ENID,	)	
LLC,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1332 and 1441, et seq., Defendant Kellogg Brown & Root, LLC (“KBR”) with the express written consent (**Exhibit 7**) of all other Defendants (Black & Veatch Corporation, TAKRAF USA, Inc. and/or TAKRAF USA, Inc. d/b/a Tenova, and Koch Fertilizer Enid, LLC) (“Defendants”) by and through the undersigned counsel, hereby provides written Notice of Removal of this action from the District Court of Oklahoma County, State of Oklahoma, Case No. CJ-2019-6389. In support of removal, Defendant states as follows:

1. On November 27, 2019 Defendant KBR was served with an action that had been originally filed on November 12, 2019 in the District Court of Oklahoma County,

State of Oklahoma styled *James Matthews, II and Michaela Matthews v. Black & Veatch Corporation, TAKRAF USA, Inc. and/or TAKRAF USA, Inc. d/b/a Tenova, Kellogg, Brown & Root, LLC, and Koch Fertilizer Enid, LLC*, Case No. CJ-2019-6389. The original Petition is attached hereto as **Exhibit 1**.

2. Plaintiffs' November 12, 2019 Petition (**Exhibit 1**) alleges that Black & Veatch Corporation is a foreign corporation, that TAKRAF USA, Inc. and/or TAKRAF USA, Inc. d/b/a Tenova is a foreign corporation, that Kellogg, Brown & Root, LLC is a foreign limited liability company, and that Koch Fertilizer Enid, LLC is a foreign limited liability company. Plaintiffs' Petition also seeks damages totaling an amount in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code. Plaintiffs themselves are citizens of Ponca City, State of Oklahoma. Therefore, Plaintiffs and all Defendants are completely diverse and the amount in controversy exceeds the amount required for diversity of citizenship jurisdiction.

3. A copy of the docket sheet as maintained by the Oklahoma State Court Network is attached hereto as **Exhibit 2**, pursuant to 28 U.S.C. § 1446(a) and LCvR 81.2.

4. Copies of all process, pleadings, and orders filed or served upon Defendant in the aforementioned State Court Action are attached hereto as follows, and made a part hereof:

**Exhibit 1**, Petition

**Exhibit 2**, Docket Sheet

**Exhibit 3**, Summons

**Exhibit 4**, Answer of Kellogg, Brown & Root, LLC to Plaintiffs' Petition

**Exhibit 5**, Special Entry of Appearance and Reservation of Time in Which to Further Plead or Answer

**Exhibit 6**, Defendant Koch Fertilizer Enid, LLC's Answer to Plaintiffs' Petition and cross-Claims Against Co-Defendants.

5. Pursuant to LCvR 81.1 Defendants demand a jury trial.

6. Defendants are filing this Notice of Removal within thirty (30) days of receipt of the service of Summons and Petition. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b)(3).

7. This action is removed on the basis of diversity of citizenship jurisdiction found at 28 U.S.C. §§ 1332 and 1441(b).

- (A) Plaintiffs James Matthews and Michaela Matthews are citizens of the State of Oklahoma.
- (B) Defendant Black & Veatch Corporation is a foreign corporation incorporated in the State of Delaware with its principle place of business in Kansas.
- (C) TAKRAF USA Inc. and/or TAKRAF USA, Inc. d/b/a Tenova is a Delaware corporation with its principal place of business in Colorado.
- (D) Kellogg Brown & Root LLC is a limited liability company (organized under the laws of the State of Delaware) which has as its sole member KBR Holdings, LLC. KBR Holdings, LLC is a limited liability company (organized under the laws of the State of Delaware) with its sole owner being KBR, Inc. KBR, Inc., is a Delaware Corporation with its principal place of business in Texas, making Kellogg Brown & Root, LLC a citizen of Texas and Delaware for diversity purposes.
- (E) Koch Fertilizer Enid, LLC is a limited liability company (organized under the laws of the State of Delaware) which has as its sole member Koch Fertilizer Holding Company, LLC. Koch Fertilizer Holding Company, LLC is a limited liability company (organized under the laws of the State of Delaware) which has as its sole member Koch Ag & Energy, L.P. Koch Ag & Energy, L.P. is a limited partnership (organized under the laws of the State of Delaware) which has as its only partners KAES Capital Finance, LLC and KAES Investor, LLC. KAES Capital Finance, LLC is a limited liability company (organized under the laws of the State of Delaware) which has as its sole member Koch Ag & Energy Solutions, LLC. KAES

Investor, LLC is a limited liability company (organized under the laws of the State of Delaware) which also has as its sole member Koch Ag & Energy Solutions, LLC. Koch Ag & Energy Solutions, LLC is a limited liability company (organized under the laws of the State of Delaware) which has as its sole member Koch Resources, LLC. Koch Resources, LLC is a limited liability company (organized under the laws of the State of Delaware) which has as its sole member Koch Industries, Inc. Koch Industries, Inc. is a corporation incorporated under the laws of the State of Kansas and has its principal place of business in the State of Kansas. The citizenship of Koch Fertilizer Enid, LLC for diversity purposes is therefore the State of Kansas.

- (F) Plaintiffs James Matthews and Michaela Matthews seek damages in excess of \$75,000.00 (see the “Conclusion” paragraph of Plaintiffs’ Petition, p. 8).

As Plaintiffs are citizens of the State of Oklahoma and Defendants are citizens of Texas, Kansas, Delaware and Colorado, complete diversity among the parties exists pursuant to 28 U.S.C. § 1332(a).

8. This action is one that may be removed pursuant to 28 U.S.C. § 1441(b).

9. Pursuant to 28 U.S.C. § 1446(d), copies of this Notice of Removal are being served on Plaintiffs’ counsel and upon the District Court Clerk for Oklahoma County, State of Oklahoma.

10. Venue is proper pursuant to 28 U.S.C. § 1441(a) in the United States District Court for the Western District of Oklahoma, which embraces the same county where the state court action was pending.

11. By filing this Notice of Removal, Defendants Black & Veatch Corporation, TAKRAF USA, Inc. and/or TAKRAF USA, Inc. d/b/a Tenova, Kellogg, Brown & Root, LLC, and Koch Fertilizer Enid, LLC do not waive, either expressly or impliedly, their respective rights to assert any defense they could have asserted in the District Court of

Oklahoma County, State of Oklahoma or within their initial substantive pleading before this Court. Defendants reserve the right to supplement or amend this Notice of Removal should the need arise.

WHEREFORE, Defendants respectfully remove this action to this Court, invoking this Court's jurisdiction.

DATED December 27, 2019.

Respectfully submitted,

s/ Jake Pipinich  
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*Attorneys for Defendant,*  
**Kellogg Brown & Root, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 27, 2019, I electronically transmitted a full, true and correct copy of the above and foregoing document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the following ECF registrants:

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